

ATCC

AMENDED 6/29/05

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

Nutrition Physiology Corporation
Attn: Matthew R. Garner
1105 Hanshaw Road
Ithaca, NY 14850

Deposited on Behalf of: Nutrition Physiology Corporation

Identification Reference by Depositor:

Lactobacillus acidophilus: C28
Lactobacillus acidophilus: LA45
Lactobacillus acidophilus: LA51
Lactobacillus acidophilus: M35
Propionibacterium freudenreichii: PF24

Patent Deposit Designation

PTA-6748
PTA-6749
PTA-6750
PTA-6751
PTA-6752

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The deposits were received May 26, 2005 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested June 6, 2005. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: June 21, 2005

cc: Greg Novak

Docket or Case No: 52330004CNSU04; -DVUS06; -DVUS07; -DVUS08

ATCC

16801 University Blvd • Manassas, VA 20119-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 18.

To: (Name and Address of Depositor or Attorney)

Nutrition Physiology Corporation
Attn: Matthew R. Garner
1105 Harshey Rd
Ithaca, NY 14850

Deposited on Behalf of: Nutrition Physiology Corporation

Identification Reference by Depositor:

Lactobacillus acidophilus: L411
Propionibacterium jensenii: P9
Propionibacterium acidipropionici: P42

Patent Deposit Designation

PTA-6820
PTA-6821
PTA-6822

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The deposits were received June 30, 2005 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 5, 2005. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20119-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: September 10, 2005

cc: Greg Novak

Docket or Case No: 52330004CNIS04; -DVUS06; -DVUS07; -DVUS08

ATCC

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.

To: (Name and Address of Depositor or Attorney)

Cornell University
Attn: Matthew R. Garner, Ph.D.
Department of Food Science
Stocking Hall
Ithaca, NY 14853

Deposited on Behalf of: Nutrition Physiology Corporation

Identification Reference by Depositor:

Lactococcus lactis: L7
Pediococcus acidilactici: D3

Patent Deposit Designation

PTA-7425
PTA-7426

The deposits were accompanied by: X a scientific description, a proposed taxonomic description indicated above. The deposits were received March 8, 2006 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested March 14, 2006. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Tanya Nunnally, Patent Specialist, ATCC Patent Depository

Date: March 28, 2006

cc: Tracy Druce
(Ref.: Docket or Case No. 5233.0009.NPUS01)